



John L. Scott
Direct Phone: +1 212 205 6099
Email: jlsconfig@reedsmith.com

Reed Smith LLP
599 Lexington Avenue
New York, NY 10022
+1 212 521 5400
Fax +1 212 521 5450
reedsmith.com

May 23, 2014

VIA ECF FILING

The Honorable Sidney H. Stein
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Tighe v. PNC Bank, N.A., et al, No. 1:14-cv-02107-SHS

Dear Judge Stein:

The Court's Order dated May 16, 2014, (ECF No. 37), directed the parties to file a stipulation by today's date, if they agreed to the transfer of the above-referenced case to the Southern District of Ohio. This is to inform the Court that Defendants PNC Bank, N.A. ("PNC") and Alpine Indemnity Limited ("Alpine") do consent to the transfer of the above-referenced case to the Southern District of Ohio. I have been informed by counsel for all the other Defendants, and have their permission to represent to the Court, that all other Defendants also consent to the transfer.

While we believe that Plaintiff likewise consents to the transfer, unfortunately, the parties have not been able to agree upon the language of a stipulation. In that regard, I have enclosed a draft stipulation that is acceptable to all Defendants.

The difficulty from the perspective of PNC and Alpine is that Plaintiff's counsel in this case insists upon a stipulation that includes language that PNC and Alpine are concerned might later be argued to apply to, or be relevant to, other actions that have been filed or might be filed, by different plaintiffs' counsel, in other jurisdictions relating to PNC's lender placed insurance program. Specifically, although Plaintiff in this case and the plaintiff in *Lauren v. PNC Bank, N.A., et al.*, No. 2:14-cv-00230-GLF-TPK (S.D. Ohio) ("*Lauren*"), which is currently pending in the Southern District of Ohio, are represented by the same counsel, another putative class action relating to PNC's lender placed insurance program, *Montoya and Colonia v. PNC Bank, N.A. et al.*, Case No. 14-20474-civ-Martinez-Goodman (S.D. Fla.) ("*Montoya*"), has been filed in the Southern District of Florida. The plaintiffs in *Montoya* are represented by different counsel than plaintiff's counsel in this case and in *Lauren*. The *Montoya* case was not discussed at the status conference in this case on May 15, 2014, and PNC and Alpine do not believe that the Court intended that any stipulation that the parties might submit in this case would have any relevance or application to *Montoya*. Rather, we believe that, whatever issues, if any, may arise as between *Tighe/Lauren* and *Montoya*, those issues should be decided on the basis of the records in the respective cases, without reference to any stipulation entered here, a matter in which *Montoya's* counsel is not present.

PNC and Alpine remain willing to try to reach an agreement with Plaintiff's counsel on a joint stipulation for transfer. Because the Court's May 16, 2014, Order directed that a stipulation be filed today if the parties agreed upon a transfer, however, PNC and Alpine believe it is appropriate to write to advise the Court of the situation and possible impasse.

Respectfully,

A handwritten signature in dark ink, appearing to read "John Scott" followed by a large, stylized "SK" or similar initials.

John L. Scott

Encl.

cc: All counsel of record (w/encl., by ECF)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIBBY B. TIGHE, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

PNC BANK, N.A, ALPINE INDEMNITY
LIMITED, ASSURANT, INC., AMERICAN
SECURITY INSURANCE COMPANY, and
STANDARD GUARANTY INSURANCE
COMPANY

Defendants.

Civil Action No. 1:14-cv-2107 (SHS)

**JOINT STIPULATION AND
[PROPOSED] ORDER**

JOINT STIPULATION AND [PROPOSED] ORDER

WHEREAS, on March 25, 2014, Plaintiff in the above-captioned action filed her Complaint against PNC Bank, N.A., Alpine Indemnity Limited (collectively, “PNC”), American Security Insurance Company (“ASIC”), Assurant, Inc., and Standard Guaranty Insurance Company (“SGIC”) (collectively, “Assurant”) (PNC, with Assurant, “Defendants”)¹ on behalf of a putative nationwide class of borrowers who have or had a residential mortgage loan or line of credit serviced by PNC and were charged for “lender-placed” hazard insurance issued through Assurant, Inc. and/or Assurant, Inc.’s subsidiaries (Dkt. No. 1);

WHEREAS, *Lauren v. PNC Bank, N.A., et al.*, No. 2:14-cv-00230-GLF-TPK (the “*Lauren* action”) is currently pending in the Southern District of Ohio and involves several of the same Defendants and the same or similar issues regarding PNC’s lender-placed hazard insurance practices;

¹ Plaintiff and Defendants are collectively referred to herein as the “Parties.”

WHEREAS, on May 16, 2014, this Court entered an Order instructing the Parties to determine whether or not they agree to have this action transferred to the Southern District of Ohio to join the *Lauren* action (Dkt No. 37);

WHEREAS, pursuant to the Court's May 16th Order, the Parties hereby stipulate and agree to the transfer of the above-captioned action to the Southern District of Ohio under 28 U.S.C. § 1404(a) to be coordinated with the *Lauren* action.

SO ORDERED:

Honorable Sidney H. Stein
United States District Judge

Parties' signatures appear on the following pages

Dated: May ____, 2014

Respectfully submitted,

**KESSLER TOPAZ
MELTZER & CHECK, LLP**

Joseph H. Meltzer (JM8493)
Peter A. Muhic
Tyler S. Graden
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
Email: jmeltzer@ktmc.com
Email: pmuhic@ktmc.com
Email: tgraden@ktmc.com

*Attorneys for Plaintiff and
The Proposed Class*

SULLIVAN & WORCESTER LLP

Andrew T. Solomon
Karen E. Abravanel
1633 Broadway, 32nd Floor
New York, NY 10019
Telephone: (212) 660-3023
Facsimile: (212) 660-3001
Email: asolomon@sandw.com
Email: kabravanel@sandw.com

*Attorneys for Assurant, Inc., American
Security Insurance Company and
Standard Guaranty Insurance Company*

Respectfully submitted,

REED SMITH LLP

Jack B. Cobetto
225 Fifth Avenue
Pittsburgh, PA 15222
Telephone: (412) 288-7282
Facsimile: (412) 288-3063
Email: jcobetto@reedsmith.com

*Attorney for PNC Bank, N.A. and
Alpine Indemnity Limited*

CARLTON FIELDS JORDEN BURT

Frank G. Burt
W. Glenn Merten
Brian P. Perryman
Richard D. Euliss
1025 Thomas Jefferson Street, N.W.
Washington, D.C. 20007
Telephone: (202) 295-6523
Facsimile: (202) 965-8104
Email: fburt@cfjblaw.com
Email: gmerten@cfjblaw.com
Email: bperryman@cfjblaw.com
Email: reuliss@cfjblaw.com

*Attorneys for Assurant, Inc., American
Security Insurance Company and
Standard Guaranty Insurance Company*